

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

DONNY LOVE,

Plaintiff,

v.

UNKNOWN OFFICER OF THE BUREAU  
OF PRISONS, et al.,

Defendants.

Case No. 1:15-cv-01432-DAD-DLB PC

ORDER TRANSFERRING CASE TO THE  
SOUTHERN DISTRICT OF CALIFORNIA

(Doc. 1)

Plaintiff Donny Love Way, a federal prisoner proceeding pro se and in forma pauperis, filed this civil action on September 22, 2015, pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), which provides a remedy for violation of civil rights by federal actors. He names Unknown Officers and Administrators of the Federal Bureau of Prisons as Defendants.

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants reside in the same state, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

1 In this case, none of the defendants reside in this district. The claim first arose at MCC  
2 San Diego, in San Diego County, which is in the Southern District of California. Therefore,  
3 Plaintiff's claim should have been filed in the United States District Court for the Southern  
4 District of California. In the interest of justice, a federal court may transfer a complaint filed in  
5 the wrong district to the correct district. *See* 28 U.S.C. § 1406(a); *Starnes v. McGuire*, 512 F.2d  
6 918, 932 (D.C. Cir. 1974).

7 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United  
8 States District Court for the Southern District of California.

9  
10 IT IS SO ORDERED.

11 Dated: August 26, 2016

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE